

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFAELLE MIRARCHI, MBA, CCP, L.P.

Plaintiff,

v.

CIVIL ACTION NO.

BERNADETTE MANGAN, RN;
GLENN PELLETIER, MD;
ALEXIS PERRI, RN;
KAREN BLOUNT, RN;
LISA COULTER, RN;
ACHINTYA MOULICK, MD;
MARIA SCENNA;
HEIDI BAUR, RN;
MARSHALL SCHWARTZ, MD;
JOAN ANDERS RN;
MAUREEN FEE, MD;
TENET HEALTHSYSTEM
ST. CHRISTOPHER'S HOSPITAL
FOR CHILDREN, LLC;
TENET HEALTHSYSTEM
PHILADELPHIA, INC.,
C/O CT CORPORATION;
TENET HEALTHSYSTEM MEDICAL, INC.;
TENET HEALTHSYSTEM HOLDINGS, INC.;
TENET HEALTHCARE CORPORATION,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441(a), 1367 and 1446, Defendants, Bernadette Mangan, RN, Alexis Perri, RN, Karen Blount, RN, Lisa Coulter, RN, Achintya Moulick, M.D., Maria Scenna, Heidi Baur, RN, Marshall Schwartz, M.D., Joan Anders RN, Maureen Fee, M.D., Tenet HealthSystem St. Christopher's Hospital for Children, LLC, Tenet HealthSystem Philadelphia, Inc., Tenet HealthSystem Medical, Inc., Tenet HealthSystem

Holdings, Inc. and Tenet Healthcare Corporation (“Removing Defendants”), by and through their undersigned counsel, hereby remove this action from the Pennsylvania Court of Common Pleas, Philadelphia County Civil Division, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Removing Defendants state as follows:

1. On September 7, 2012, Plaintiff Rafaele Mirarchi, MBA, CCP, L.P. (“Plaintiff”) filed a Complaint against all Defendants in the Pennsylvania Court of Common Pleas, Philadelphia County Civil Division, where it is presently captioned as *Rafaele Mirarchi, MBA, CCP, L.P. v. Bernadette Mangan, RN, Glenn Pelletier, M.D., Alexis Perri, RN, Karen Blount, RN, Lisa Coulter, RN, Achintya Moulick, M.D., Maria Scenna, Heidi Baur, RN, Marshall Schwartz, M.D., Joan Anders RN, Maureen Fee, M.D. Tenet HealthSystem St. Christopher’s Hospital for Children, LLC, Tenet HealthSystem Philadelphia, Inc., c/o CT Corporation, Tenet HealthSystem Medical, Inc., Tenet HealthSystem Holdings, Inc. and Tenet Healthcare Corporation*, March Term, 2012, Docket No. 1825.

2. No further pleadings have been filed in the state court action.

3. Pursuant to 28 U.S.C. § 1446(a), a true copy of all processes, pleadings and orders, including the Complaint, filed in the state court action and served upon any Defendants, is attached hereto as Exhibit A.

4. Removing Defendants Joan Anders, RN, Achintya Moulick, M.D., Marshall Schwartz, M.D., Heidi Baur, RN and Maureen Fee, M.D. were served with the Complaint on September 19, 2012. Defendant, Glenn Pelletier, M.D. was served with the Complaint on September 20, 2012. Removing Defendant Alexis Perri, RN was served with the Complaint on September 21, 2012. Removing Defendant Maria Scenna was served with the Complaint on September 22, 2012. Removing Defendant Karen Blount, RN was served with the Complaint on

September 26, 2012. Removing Defendants Tenet HealthSystem St. Christopher's Hospital for Children, LLC, Tenet HealthSystem Philadelphia, Inc., Tenet HealthSystem Medical, Inc., Tenet HealthSystem Holdings, Inc. and Tenet Healthcare Corporation were served with the Complaint on September 27, 2012. Removing Defendant Bernadette Mangan, RN was served with the Complaint on September 28, 2012.

5. This Notice of Removal is filed within thirty (30) days of the filing of the Complaint and is therefore timely filed pursuant to 28 U.S.C. § 1446(b). Further, this Notice of Removal is filed within thirty (30) days of service of the Complaint upon the latest served Removing Defendant and is therefore timely filed.

6. Removing Defendants base removal on federal question jurisdiction pursuant 28 U.S.C. §§ 1331, 1441(a), and 1446.

7. Removal of this action is proper under 28 U.S.C. § 1441(a). The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 as it is a civil action in which Plaintiff asserts a claim in Paragraph 22 of his Complaint under the provisions of a federal law, the Health Care Quality Improvement Act of 1986, 42 U.S.C. § 11101, *et seq.*

8. The Court also has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as Plaintiff asserts claims in Count IV of his complaint a breach of Defendant Tenet Healthcare Corporation's Corporate Integrity Agreement ("CIA"), which is an agreement between Tenet Healthcare Corporation and the Inspector General of the United States Department of Health and Human Services, and its terms are governed by, rely upon, and arise exclusively under federal healthcare laws.

9. This Court also possesses supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over all other state law claims alleged in Plaintiff's Complaint, as the state law claims are so

related to the claim which is within this Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

10. Each of the named Removing Defendants has consented to the removal of this action pursuant to 28 U.S.C. 1446(b)(2)(A).

11. The only other Defendant, Glenn Pelletier, MD, joins in and consents to removal of this action. See Pelletier Consent, Exhibit B.

12. The Pennsylvania Court of Common Pleas, Philadelphia County Civil Division, is located within the Eastern District of Pennsylvania. Therefore, the venue is proper because the action is being removed to the "district court of the United States for the district and division embracing the place where such action is pending." *See* 28 U.S.C. § 1441(a).

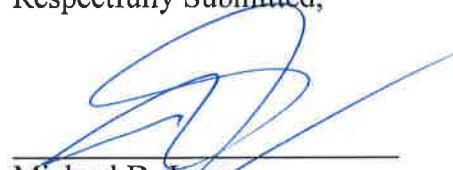
13. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal of this action shall be timely filed with the Pennsylvania Court of Common Pleas, Philadelphia County Civil Division.

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of this action is being caused to be served upon Plaintiff's counsel.

WHEREFORE, Removing Defendants give notice that this action is removed from the Pennsylvania Court of Common Pleas, Philadelphia County Civil Division, to the United States District Court for the Eastern District of Pennsylvania.

Dated: October 9, 2012

Respectfully Submitted,



Michael D. Jones
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CERTIFICATE OF SERVICE

I, Michael D. Jones, Esquire, do hereby certify that a true and correct copy of the foregoing Notice of Removal was served today by U.S. First Class Mail and Electronic Mail upon the following counsel:

Bernard W. Smalley, Esq. (bsmalley@tlgattorneys.com)
Michon L. Crawford, Esq. (mcrawford@tlgattorneys.com)
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Counsel for Plaintiff

Dated: October 9, 2012



Michael D. Jones